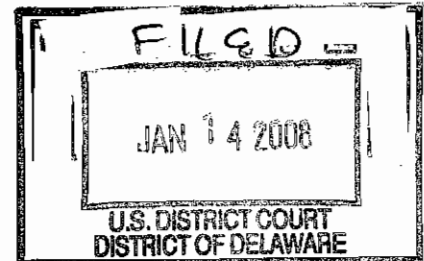


Dennis L. Smith  
P.O. Box 311  
Selbyville, Delaware 19975

January 10, 2008

67-525 JJF

Office of the Clerk  
**Ms. Marcia M. Waldron**  
United States Court of Appeals  
for the Third Circuit  
21400 United States Court House  
601 Market Street  
Philadelphia, PA 19106 – 1790  
**Certified -7007 0710 0000 2888 9368**



Re: Mr. Dennis L. Smith vs. Ms. Patricia A. Meyers Civil Case  
No.: 07-3999. This letter is concerning Mr. Smith's "**Interlocutory Appeal Status (via) 28 U.S.C.A. § 2106 Emergency Motion to Modify.**"

Dear Clerk Ms. Waldron.:

I, Mr. Dennis L. Smith Pro se am forwarding an Emergency Motion to change this Appeal to; Constitutional Interlocutory Status under the law see; **28 U.S.C.A. § 1292(a)(1)**. I am directly (via) an Interlocutory fashion, fundamentally Appealing (via) as I reiterate, an Interlocutory fashion, the inferior defacto very Questionable; "Memorandum Order" dated **September 11, 2007**, from the U.S. Dist. Of Del., Court's incumbent defacto Justice, Judge Joseph J. Farnan Jr., concerning U.S. Dist.of Del., civil Action No. 07 – 525.

I have an Equal inalienable constitutional equally – protected privilege to have had **42 U.S.C.A § 1981(b)**., Federally enforced as the listed exact evidence of the legal definition of same **42 U.S.C.A § 1981(b)**., so emphasize(s) / and clearly vehemently as legally written Stipulate(s). -----Please see attached **Exhibit A**.

**Therefore**, I truly feel, as though I have been **wrongfully invidiously discriminated** against due to, I had heretofore properly filed in the U.S. Dist of Del., Court in which / which is the legal proper situs for instance legal action see; Max Ams, Inc. vs. Barker, 293 Ky. 698, 170 S.W.2d 45, 48.

Respectfully Submitted,

  
Mr. Dennis L. Smith

**In And For  
The 03<sup>rd</sup> Judicial Circuit  
Of  
These United States**

Mr. Dennis L. Smith Sr.

Interlocutory - Appellant,

vs.

Ms. Patricia A. Meyers, and her son  
Mr. Mack L. Davis Jr., and all of her  
sibling(s),  
Mr. Steven S. Krebs, and his mother  
Ms. Barbara Krebs and any other  
person(s) who Attempt, to **"ILLEGALLY**  
**- "OBSTRUCT - Power of Attorney**  
**Document Book / No. 00776 page;**  
**041 Legal Dated 10-27-03** of the  
Sussex County Delaware Office of the  
{Incumbent} recorder of Deed(s) }

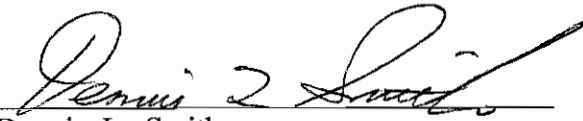
Interlocutory - Appellee(s).

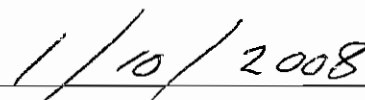
:  
:  
: C.A. No. 07 - 3999  
:  
:  
: **Re; Equal - Right(s);**  
: **In ref: Vindication of civil Right(s)**  
: **Here – under; 42 U.S.C.A § 1988.**  
: This is not a lawsuit. The sole purpose  
: of this is to simply constitutionally  
: **enforce 42 U.S.C.A. § 1981(b). under**  
: **the Law.**

**AFFIDAVIT OF DENNIS L. SMITH**

STATES OF DELAWARE :  
: SS.  
NEW CASTLE COUNTY :

The, preceding - indelible truthful – statement(s) in my **Letter dated January 10,**  
**2008** are true to the best of my knowledge and belief(s); of; Dennis L. Smith and are in  
full vehement compliance / Compliance(s) Here- with / Here – under; **28 U.S.C.A. §**  
**1746, and 18 U.S.C.A. § 1621.**

  
Dennis L. Smith

  
Date

I hereby certify that the original and three copies of my **Letter dated January 10, 2008** have been certified mailed or hand delivered on this 10 day of January 2008, to the United States Court of Appeals, Third Circuit defendants' and the following addresses:

The Third Judicial – Circuit of Federal – Appeal(s)  
Ms. Marcia M. Waldron  
21400 United States “Court – House”  
601 Market Street  
Philadelphia, PA 19106 – 1790  
**Certified Mail No. 7099 3400 0006 3815 9507**

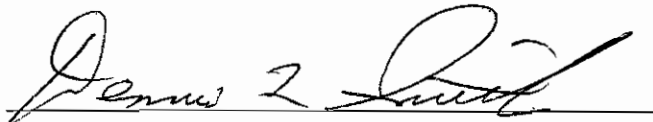
Mr. Peter T. Dalleo  
Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, Delaware 19801 - 3570  
**Certified Mail No. 7099 3400 0006 3815 9477**

Ms. Patricia A. Meyers, and her Son,  
Mr. Mack L. Davis Jr., and  
all of her sibling(s)  
RR 4 Box 103A  
Frankford, Delaware 19945  
**Certified Mail No. 7099 3400 0006 3815 9446**

Mr. Steven S. Krebs and  
his Mother Ms. Barbara Krebs  
P.O. Box 796  
Selbyville, Delaware 19975  
**Certified Mail No. 7099 3400 0006 3815 9415**

For Verification purpose(s) only;  
John Brady  
Recorder of Deeds  
2 The Circle  
P. O. Box 827  
Georgetown, Delaware 19947  
**Certified Mail No. 7099 3400 0006 3815 9385**

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.

A handwritten signature in black ink, appearing to read "Dennis L. Smith", written over a horizontal line.

Dennis L. Smith

Exhibit A

— 42 U.S.C.A § 1981(a)(b) —

## TITLE 42—THE PUBLIC HEALTH AND WELFARE

### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 11111 of this title.

### SUBCHAPTER I—GENERALLY

#### § 1981. Equal rights under the law

##### (a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

##### (b) "Make and enforce contracts" defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.